

Applicants: Gillett et al
U.S.S.N. 09/991,006
Filing Date: November 21, 2001
Atty. Docket No.: EMC-04-052

REMARKS

In Response to the Office Action mailed June 29, 2006, applicants respectfully request reconsideration. In the Office Action, claims 1-21 were rejected. By this amendment, claims 1-5 and 15 have been amended. Claims 1-21 remain pending in this application.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Lumelsky et al. (U.S. Patent No. 6,460,082). In response to applicants' previous arguments regarding independent claim 1, the examiner stated that metadata being associated with a request does not explicitly require that the request contain the metadata.

Independent claim 1 has been amended to recite a system for delivering content over a data network, comprising:

- a data storage device for storing content to be delivered over the data network,
- a server process capable of monitoring the data network for responding to a request to serve selected content over the data network, and
- a file system capable of communicating with the server process and capable of processing the request to process meta-data that identifies attributes of the request and being representative of a level of service to be provided to the request.

Lumelsky teaches a system for resource configuration across distributed media services. This system uses "service signatures" which is what Lumelsky calls meta-data, to represent a resource allocation commitment for a server (Col. 5, lines 13-15). Service signatures are implemented to customize each server (referred to by Lumelsky as a "meta-resource", Col. 5, lines 30-31) (Col. 5, lines 43-49). By customizing each server with a service signature that represents a resource allocation commitment, the system enables heterogeneous servers to be configured as homogeneous servers (See Abstract). This enables the system to compensate for

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differences between actual resource requirements found during the provisioning of a media service and the resource profile associated with a service unit (Col. 7, lines 58-61). The meta-data or service signature is utilized by Lumelsky to determine whether a particular server is capable of handling certain requests. Each service signature for a particular requested service is compared with resources at a particular server to determine whether a particular request can be serviced, i.e., if the server is capable, has the resources, is willing to service the request and has the necessary capability. The presence of the service signature provides the ability to determine the willingness of the server in accepting a request. Specifically, after the request arrives at the server, the server must decide whether to service the request or not. This decision is supported by the meta-data in the server (Col. 15, lines 18-40). Accordingly, in the Lumelsky system, the meta-data is associated with particular servers to enable the system to determine whether a particular server is capable of servicing a particular request. If it is, it services the request, if not, the request fails (See Fig. 8(a)).

Lumelsky does not teach or suggest levels of service at which requests are handled. As set forth above, Lumelsky uses meta-data to determine whether particular servers are capable of servicing particular requests. The request of Lumelsky is not processed in order to process meta-data that identifies attributes of the request.

Accordingly, Lumelsky does not include "a file system capable of communicating with the server process and capable of processing the request to process meta-data that identifies attributes of the request and being representative of a level of service to be provided to the request." Since Lumelsky does not teach the invention recited in independent claim 1, independent claim 1 is allowable over Lumelsky, and the rejection under 35 U.S.C. §102(e) should be withdrawn.

Claims 2-21 depend from independent claim 1 and are allowable for at least the same reasons as independent claim 1.

Based on the foregoing, applicants respectfully assert that claims 1-24 are allowable over the art of record and respectfully request that a timely Notice of Allowance be issued in this application.

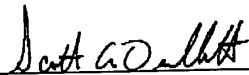
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In the event the Patent Office deems personal contact desirable in disposition of this matter, the Office is invited to contact the undersigned attorney at (508) 293-7835.

Please charge any fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: 10/30/06



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